

# MEMORANDUM

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AGENDA ITEM NO. 2(D)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

**DATE:** May 13, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance pertaining to mobile  
food vending stands

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.

  
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Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

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**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** May 13, 2003

**SUBJECT:** Ordinance pertaining to  
mobile food vending  
stands

**FROM:** Steve Shiver  
County Manager

A handwritten signature in black ink, appearing to read "Steve Shiver", written over the printed name.

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This proposed ordinance pertaining to mobile food vending stands will have no negative fiscal impact on Miami-Dade County.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** April 8, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 13 (AA)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 13(AA)  
4-8-03

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; CREATING SECTION 33-14.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO MOBILE FOOD VENDING STANDS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-14.1 of the Code of Miami-Dade County, Florida is hereby created as follows:

**>>Sec. 33-14.1. Mobile food-vending stands.**

Notwithstanding anything contained within this chapter and in this code to the contrary, mobile food-vending stands located outside the principal building shall be permitted in conjunction with free-standing buildings which exceed 25,000 square feet gross floor area in the BU-1A, BU-2, BU-3 and GP districts subject to the following limitations:

- (a) The owner of the mobile food-vending stand shall obtain an occupational license as well as a Certificate of Use, both of which shall be affixed to the food stand. The Application for a Certificate of Use shall be accompanied by a written lease, contract, resolution or other similar document which evidences the authorization for the vendor to operate the mobile food-vending stand.
- (b) The owner of the mobile food-vending stand shall operate the food stand within 60 feet of the main entrance of the building being served.
- (c) The mobile food-vending stand shall include a waste receptacle and shall be designed and operated so as to prevent and eliminate the scattering of food, beverage containers, paper products, etc.
- (d) The mobile food-vending stand shall be removed daily from outside the premises and shall be stored within an enclosed building during the hours that the use of the principal building is closed, or physically removed from the premises.
- (e) The mobile food-vending stand shall not be placed within a public right-of-way, or in a parking space, in a driveway or on a sidewalk.

- (f) The mobile food-vending stand shall not block accessibility for individuals with disabilities.
- (g) No more than two mobile food-vending stands shall be authorized for any one free-standing building.

Failure to comply with the terms and conditions stated in this section shall be cause to revoke the Certificate of Use for the mobile food-vending stand.

For purposes of this section the term "mobile food-vending stand" shall be defined as a portable, non-motorized structure which stores, prepares and serves food and/or beverages to the public.<<

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency: RA6

Prepared by: JAC

Joni Armstrong Coffey

Sponsored by Commissioner Sally A. Heyman